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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/031,994	01/25/2002	Thomas Luetzenkirchen	449122019700	8742

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EXAMINER

FERGUSON, KEITH

ART UNIT	PAPER NUMBER
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2683

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DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/031,994

Applicant(s)

LUETZENKIRCHEN ET AL.

Examiner

Keith T. Ferguson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Fig. 1, numbers 15, 17 and 25 needs labels identifying the items (squares). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiroda in view of Ishikura et al..

Regarding claims 1,4 and 6, Ushiroda discloses a radio device (wireless telephone) for transmitting radio signals (fig. 1 number 1), comprising: an electrical interface (fig. 1 number 4a) (see, applicants preliminary amendment, page 21 lines 3-4, mail 5/14/04) having at least one data terminal (fig. 1 number 2) configured to connect the radio device to an external data source (fig. 1 number 4); a transmitting device (fig. 1 number 5e) in communication with the at least one data terminal (fig. 1) and which generates the radio signals with data signals of the external data source (col. 3 lines 2-9 and col. 3 lines 49-54), transmitted via the at least one data terminal (col. 3 lines 2-9 and col. 3 lines 49-54); and an energy extraction device (fig. 1 number d2), the input of which is connected to the at least one data terminal (fig. 1 number 4a,4e,5k,d2) and the output of which is connected to a power supply input of the transmitting device (fig. 1 number 5g), and which takes energy from the data signals of the external data source and feeds the energy at the power supply input into the transmitting device (col. 4 lines 40-53), wherein the transmitting device includes another power supply (battery) (fig. 1 5h) unit to connect an external power supply device (fig. 1 number 3). Ushiroda differs from claim 1 of the present invention in that it does not disclose the radio signals generated by the transmitting device exhibit a first predetermined transmitting power and exhibit a second predetermined transmitting power exceeding the predetermined transmitting power where voltage/current is applied to the another power supply input. Ishikura et al. teaches a radio telephone for generating radio signals (fig. 2 number 100 and its description) exhibit a first predetermined transmitting power (4.8V) (col. 11 lines 18-21) and exhibit a second predetermined transmitting power (13.7V) exceeding (col. 11 lines 40-56) the predetermined transmitting power (4.8V) where voltage/current is applied to the another power supply (battery pack). Therefore, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify Ushiroda with the radio signals generated by the transmitting device exhibit a first predetermined transmitting power and exhibit a second predetermined transmitting power exceeding the predetermined transmitting power where voltage/current is applied to the another power supply input in order to increase the wireless telephone original power when transmitting data over a greater distance to a wireless network, as taught by Ishikura et al..

Regarding claims 2 and 3, Ushiroda discloses a diode (rectifying device) for rectification (fig. 1 number D2).

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ushiroda in view of Ishikura et al. as applied to claims 4 and 1 above and in further view of Wood, Jr..

Regarding claim 5, the combination of Ushiroda and Ishikura et al. differs from claim 5 of the present invention in that they do not explicit disclose the interface is an IEEE 1284 interface. Wood, Jr. teaches a host computer (48) connected to a radio terminal (26) (fig. 1) comprising an interface that is an IEEE 1284 interface (col. 10 lines 19-23). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ushiroda and Ishikura et al. with the interface is an IEEE 1284 interface in order for the wireless telephone to receive data from the data terminal when transmitting data to a distant wireless network, as taught by Wood, Jr..

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Keith T. Ferguson whose telephone number is (703) 305-4888. The examiner can normally be reached on 6:30am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be

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reached on (703) 308-5318. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Keith Ferguson
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August 20, 2004

